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500.01 Introduction

Environmental permits are needed for projects and activities in virtually all of WSDOT's major highway programs including highway maintenance (Program M), traffic operations (Program Q), highway preservation (Program P), highway improvement (Program I), highway safety (Subprogram I2), economic initiatives (Subprogram I3), and environmental retrofit (Subprogram I4). Environmental permits are also required in WSDOT's non-highway programs including the state ferry system, state airport system, and freight rail system.

Part 5 focuses on procedures for obtaining environmental permits and approvals, and incorporating permit conditions and other environmental commitments into WSDOT projects and programs. Many of the permits are required for construction and are usually obtained during the final design phase when plans, specifications and estimates (PS&E) are prepared.

Part 5 includes environmental permits and approvals that are required for maintenance and operations and property management as well. Tracking environmental commitments during construction, maintenance and operations, and property management is discussed in **Part 6** through **Part 8**.

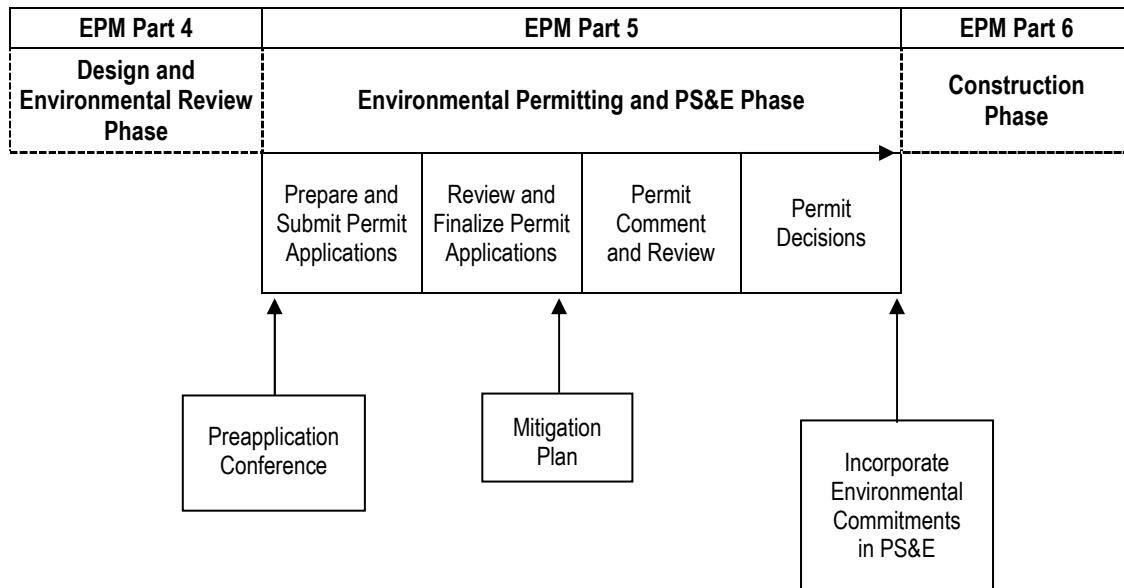
Because the actions proposed by each project vary and environmental regulations are complex and constantly evolving, this guidance is necessarily general and reliance on the EPM alone is insufficient. Each legislative session, new laws are developed, and old laws are altered or repealed. Changes may also occur as agencies update administrative codes, revise fees, or reorganize. The conditions that trigger a permit or approval are subject to interpretation and may change as new regulations are developed or court decisions alter their applicability.

The actions and resulting impacts or positive aspects of each project determine which permits and approvals apply and how they apply. Regional or Headquarters environmental staff should be consulted at each stage of the project design to review the permits and approvals that may be required and answer questions about application procedures. Agencies issuing the permit should also be contacted for current requirements. Online guidance is continually being added and updated through WSDOT's Environmental Services Office web site and various agency web sites.

500.02 Process Overview

This section describes how environmental permitting is related to other phases of project development. This relationship is illustrated in [Figure 500-1](#), Environmental Permitting and PS&E.

Figure 500-1: Environmental Permitting and PS&E Phase



- Environmental commitments for any given project are made throughout WSDOT's process of project scoping and project development. In project scoping, the Environmental Review Summary (ERS) is prepared to accompany the Project Definition and the Design Decision Summary (see [Chapter 310](#)). The ERS identifies the NEPA classification and many of the likely permits.
- In earlier stages of project development, during environmental review and NEPA/SEPA documentation, many plans and reports are developed that are later required for permit applications, and are used as the basis for permit conditions (see [Part 4](#)).
- During construction, maintenance and operations, and property management, WSDOT is responsible for documenting compliance with all permit conditions and other environmental commitments, as described in [Part 6](#) through [Part 8](#).

(1) **Design and Permitting**

Environmental permits require information prepared during the design phase to demonstrate compliance with environmental rules, regulations, and policies. To avoid delays in project delivery, the design engineer should understand and anticipate this exchange of information. The timing of this exchange often affects design schedules while the permit requirements can affect the design itself. Often, several iterations of design are necessary before full compliance with permit requirements is achieved. In complex cases, negotiations over permit conditions also result in iterative designs as issues are raised and resolved.

Almost all WSDOT projects are constructed under the design-bid-build delivery process illustrated in [Figure 500-2](#) for a mainline overlay project. Under this process, WSDOT prepares the design to 100 percent completion before submitting it to competitive bid by contractors. The successful bidder constructs the project according to the complete plans. [Part 5](#) covers the permitting process under a design-bid-build project delivery system.

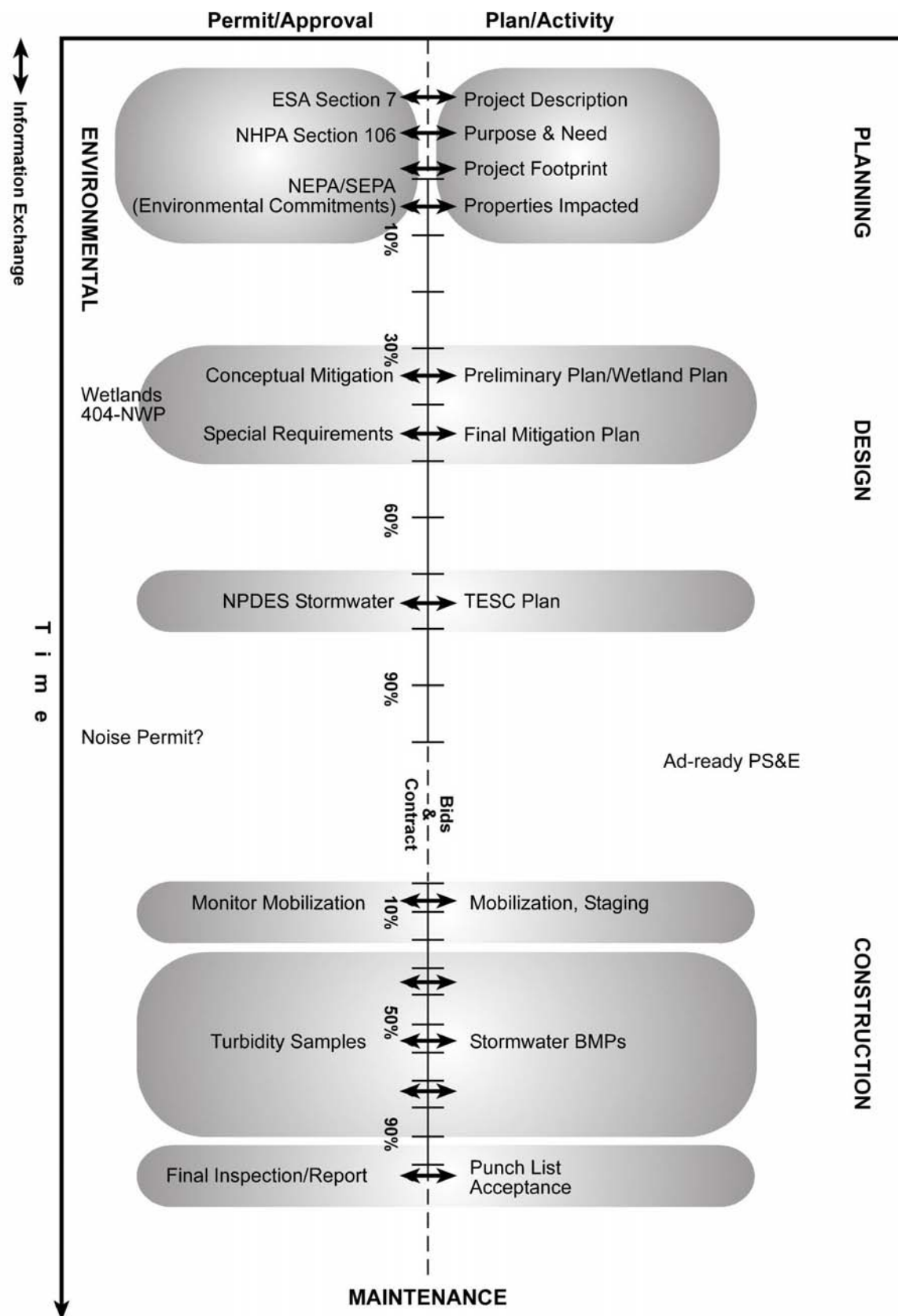
WSDOT also uses a design-build project delivery system. In this process, WSDOT completes the preliminary design and then turns it over to a contractor who builds it based on the preliminary design plus additional design by the contractor. The contractor has a great deal more freedom in selecting the means and methods of construction under design-build. Future editions of the EPM will address permitting under a design-build delivery system.

(2) *Environmental Commitments*

Environmental commitments for many construction and major maintenance projects are made throughout the scoping and project development process in various forms, including mitigation agreements associated with NEPA/SEPA, and conditions attached to permits and approvals. Prior agency-wide commitments have been made in interagency agreements such as Memoranda of Understanding and Implementing Agreements (see Appendix), and in WSDOT policy. [Chapter 590](#) summarizes WSDOT's approach to tracking and ensuring compliance with all these commitments.

The permit process begins well in advance of actual permit applications. For some permits, WSDOT has already negotiated permit conditions through the use of general or programmatic permits. These permits typically apply to repetitive, relatively simple construction projects or maintenance activities that are perceived to result in no significant impacts to the natural and built environment. The permit conditions apply regardless of the specific actions proposed by the project. For complex projects, the negotiations with permit agencies often begin during the environmental review phase for compliance with NEPA and SEPA. The mitigation measures developed for the NEPA/SEPA documents are documented as permit conditions on subsequent permits and contract plans and specifications.

**Figure 500-2: Environmental Interrelationship:
Safety Corridor Channelization Mainline**



500.03 Organization of Part 5

As a “primer” on permitting procedures and issues facing WSDOT, [Chapter 510](#) provides general information in the form of answers to “Frequently Asked Questions.” These deal with such topics as types of permits, timing and scheduling, where to go for information and assistance, data and documentation requirements, agency authority and jurisdiction, and WSDOT roles and responsibilities.

[Chapter 520](#) through [Chapter 550](#) provide detailed guidance on each permit or other approval likely to be needed by WSDOT. This guidance will help plan and schedule permit applications and keep track of environmental commitments in permit conditions and other documents.

“Permits and approvals” as used in the EPM include any document that needs a signature by someone in authority at the agency having statutory jurisdiction over that activity. These documents may be called a permit, approval, certification, concurrence, or easement, any of which represent an agency authorizing WSDOT to conduct the activity as long as it is done in a particular manner.

Permits are organized according to the federal, tribal, state, or local jurisdiction that issues the permit or gives the approval. Federal statutes sometimes allow delegation of federal regulatory authority to states. For example, authority for regulating activities pursuant to Section 401 and Section 402 of the Clean Water Act has been delegated to Ecology by the USEPA. Authority for regulating activities under the Safe Drinking Water Act has been delegated to Ecology and Washington Department of Health (DOH) by the USEPA. In such cases, the associated permits and approvals are covered in [Chapter 540](#).

Similarly, some state authority has been delegated to local governments. For example, depending on their size, onsite sewage disposal systems are regulated by Ecology or DOH; smaller systems (under 3,500 gallons per day (gpd)) are regulated by local health authorities. Under the state Shoreline Management Act, activities impacting shorelines are regulated by local jurisdictions with Ecology oversight.

Tribal approvals are covered separately, in [Chapter 530](#), in recognition of the tribes’ authority over activities within their jurisdictions. For activities affecting tribal rights in “usual and accustomed” fishing or hunting areas guaranteed by treaty, tribal consultation may be required before some permits can be approved. Under federal statutes, tribal consultation is required, and in some instances the permit or approval is granted by the tribal government rather than a state or federal agency. For activities on tribal reservation, tribal law may require the same type of permits or approvals as in local jurisdictions.

Jurisdictional issues can arise due to court decisions or changes in the laws. For example, activities affecting isolated wetlands were regulated by the Corps through Section 404 permits until January 2004 when the U.S. Supreme Court ruled that isolated wetlands are not within Section 404 jurisdiction. Ecology responded by regulating isolated wetlands through its authority under the State Water Pollution Control Act, RCW 90.48 (see [Section 540.13](#)).

Within each chapter on federal, tribal, state, and local approvals, permit sections are structured according to how frequently they are needed for WSDOT activities; those

most often needed are covered first. An exception is that permits issued by a given agency are grouped together (e.g., [Section 540.16](#) to [Section 540.20](#) are WDNR permits, although some are only occasionally needed). At the end of each section on federal, tribal, state and local approvals is a general section on “Other Approvals” – those needed for minor or very rare activities.

Information for each permit or approval is organized in these categories:

(1) Overview – Includes agency issuing permit, statutory authority, regulated activities, exempt activities, geographic extent, types of permits, prerequisite permits and approvals, related permits and approvals, interagency agreements, processing time, and fees.

(2) How to Apply – Includes JARPA, pre-application conference, special information requirements, public notice, submitting the application, agency and public review, appeal process, and post-permitting requirements.

(3) For More Information – Includes references to background information in [Chapter 420](#) through [Chapter 470](#) and other general information, including Internet references, pertinent to the permit.

(4) Permit Assistance – Includes regional environmental staff, other WSDOT resources, and contacts at the regulating agency.

(5) Information Last Updated

Chapter 560 and **Chapter 580** are left vacant to allow for addition of further guidance on permitting in subsequent editions of the EPM, including permitting under a design-build project delivery process.

Chapter 590 concludes **Part 5** with information on how environmental commitments made as permit conditions or earlier in the design process are incorporated into contract documents during PS&E.

500.04 Permits and Approvals Required for WSDOT Projects and Activities

The Environmental Review Summary (ERS) prepared as part of the Project Summary identifies the most common environmental permits that may be required based on the information known at that stage (see [Chapter 310](#)). As the project design develops, additional permits and approvals may be identified.

[Appendix F](#) is a comprehensive list of all environmental permits that may be required for WSDOT projects. [Table 400-1](#) includes those most often initiated during environmental review; these are discussed in detail in [Part 4](#). [Table 500-1](#) includes permits and approvals obtained prior to a finalized PS&E; these are discussed in detail in [Part 5](#). For each permit or approval, the tables identify the responsible agency, triggering conditions, statutory authority, and a reference to sections in the EPM where detailed guidance is located.

Of these permits and approvals, not all are required on every project. For example, a November 2003 WSDOT study of 383 projects with an ad date between January 1, 1999 and December 1, 2001 showed that:

- About 23% needed Section 401 Water Quality Certification (88 projects); 89% (80 projects) were covered under General Nationwide Section 404 permits from the Corps, and eight required individual Corps permits.
- About 14% needed an NPDES permit (55 projects); 53 were covered under the NPDES Construction Stormwater General Permit, and only two required an individual NPDES permit.

The small percentage of proposed projects that generate complex environmental issues and require complex permit negotiation consume significant staff resources, and can result in project delay.

The *Design Manual* (Chapter 240.03) contains tables showing the probability of common environmental permits applying to the most common construction projects.

Part 5 and the 2004 *WSDOT Standard Specifications Manual* (Section 1-07.5, Fish and Wildlife and Ecology Regulations) contains guidance applicable during construction activities.

500.05 Abbreviations and Acronyms

Abbreviations and acronyms used in **Part 5** are listed below. Others are found in the general list in **Appendix A**.

DN	Decision Notice (United States Forest Service)
FPA/N	Forest Practices Application/Notification
HPA	Hydraulic Permit Approval
NOI	Notice of Intent (to apply for a Corps/NPDES General Permit)
NPDES	National Pollutant Discharge Elimination System
NWP	Nationwide Permit (Corps)
<u>SWDP</u>	<u>State Waste Discharge Permit</u>
U&A	Usual and Accustomed Tribal fishing areas

500.06 Glossary

A glossary of terms used in **Part 5** are listed below. See **Appendix B** for a general glossary of terms used in the EPM.

(1) **Types of Permits**

Approval – General term referring to any document other than a permit that needs a signature by someone in authority at the agency having statutory jurisdiction over that activity. The document may be called an approval, certification, concurrence, easement, or license, all of which represent an agency saying, “Yes we authorize you to conduct this activity as long as you do it in this manner.” An approval may specify conditions under which the activity is approved.

Federal approval – Approval given to document a federal agency’s concurrence that a project complies with a federal statute. These are discussed in **Chapter 420** through **Chapter 470** because they are typically obtained earlier in project design to fulfill NEPA documentation requirements. Several are summarized in **Section 520.09** through **Section 520.12** because they may be needed later in project design: Section 7 Consultation, Section 106 Concurrence, Section 6(f) Approval, and Wild and Scenic Rivers Review.

Permit – A document required by law that authorizes a specific type of activity under certain conditions.

General Permit – Issued by a federal or state agency to cover a certain type of activity in a certain geographic area (nationwide, regional or statewide). For most general permits, WSDOT must submit a “Notice of Intent” (NOI) to request coverage under a general permit for a particular activity; the agency may approve or disapprove coverage.

Nationwide Permit – A type of General Permit issued by the Corps for either Section 404 or Section 10 permits.

Programmatic Permit – A General Permit issued to cover a certain type of program such as bridge and ferry terminal washing/cleaning, culvert maintenance, or use of insecticides for mosquito control. See [Section 540.08](#) and [Section 540.15](#).

Individual Permit – Issued to WSDOT for a particular activity or project that is not covered by a General Permit; usually needed infrequently for more complex or extensive projects.

Corps permits – The U.S. Army Corps of Engineers issues two major permits: the Clean Water Act Section 404 permit for discharge of dredge and fill material into U.S. waters, and the Rivers and Harbors Act Section 10 permit for work in navigable waters. They are commonly referred to in tandem because the same procedures apply to both and they are often issued as a combined permit. WSDOT usually can obtain coverage under a General Permit, issued nationwide for common activities having minimal impact, and occasionally must obtain an Individual Permit for a project having significant impacts. See [Section 520.02](#) and [Section 520.03](#).

Section 401 Permit - Permit issued by Ecology under Section 401 of the Clean Water Act, usually associated with a Corps Nationwide or Individual Section 404 permit.

Section 402 or NPDES Permits – Both terms refer to permits issued by Ecology under Section 402 of the Clean Water Act, which establishes the National Pollutant Discharge Elimination System to regulate the discharge of pollutants into surface water. Ecology has been delegated by the USEPA to administer the program in Washington and does so in conjunction with its State Waste Discharge Permit program. NPDES permits typically place limits on the quantity and concentration of pollutants that may be discharged. To ensure compliance with these pollutant concentration limits, permits require treatment or impose other operational conditions. In most cases, permits are issued for five years. Major WSDOT construction projects may require an Individual NPDES permit; most WSDOT projects can be covered by a General permit. See [Section 540.04](#) through [Section 540.08](#).

Project Permit – Issued to WSDOT for of a new construction or major maintenance project.

Operating Permit – Issued to WSDOT to operate a water system, water treatment system, or other facility.

License – Issued to an individual, for example a WSDOT maintenance employee who sprays insecticides or herbicides or operates a rest area water system. WSDOT contractors must obtain their own licenses for such activities.

(2) Other Permitting Terms

Condition or Provision – Requirement attached to a permit specifying, usually in some detail, the terms under which the permitted activity may be conducted; for example, use of best management practices, seasonal work windows, and notification requirements.

Federal Nexus – When the federal government is connected to a project either by owning land within the project limits, providing project funding, or by requiring a federal permit, approval, or concurrence.

Indirect Application – As used in WSDOT's Programmatic NPDES Permit for aquatic nuisance plant and algae control, means application of glyphosate to emergent vegetation for control of nuisance or noxious vegetation along public highways or in constructed or mitigated wetlands containing wetted surface at the time of the application, or which will contain wetted surfaces during the life of the active component of the herbicide.

Isolated Wetland – A wetland not within the jurisdiction of the U.S. Army Corps of Engineers as defined in the Clean Water Act Section 404. Ecology regulates these wetlands by pre-approving Administrative Orders.

500.07 Exhibits

None.

Table 500-1. Environmental Permits and Approvals – Environmental Permitting and PS&E Phase

Note: Abbreviations are listed at the end of this table.

Requirement	Responsible Agency	Conditions Requiring	Manual Chapter/Section	Statutory Authority
FEDERAL PERMITS AND APPROVALS				
<u>Endangered Species Act (ESA)</u>	NOAA Fisheries USFWS	<u>Activities with a federal nexus (i.e. upon federal lands, federally funded, or requiring federal permits or approvals) trigger ESA procedural and documentation requirements.</u>	431, 436, 437, 520.02, 520.09, 710.04	16 USC 1531-1543
Wild and Scenic Rivers	FHWA and Affected Agency	No specific permits are required for projects in wild and/or scenic river corridors, but water quality permits listed in Section 431.06 may apply.	453, 520.12	16 USC 1271
Land and Water Conservation Fund Act - Section 6(f)	FHWA and Affected Agency (WSDOT)	Use of lands purchased with LWCFA funds triggers Section 6(f) procedural and documentation requirement. In Washington LWCFA funds are distributed by the Interagency Committee for Outdoor Recreation.	455, 520.11	LWCFA
Historic Preservation Act - Section 106	OAHP/SHPO	Potential impacts to historic or archaeological properties trigger Section 106 procedural and documentation requirements.	411.12, 456, 520.10	16 USC 470, Sec.106, 36 CFR 800, RCW 43.51.750
Clean Water Act - Section 404 Individual and Nationwide Permits	Corps, USEPA, USCG	Discharging, dredging, or placing fill material within waters of the US, drainage channels with a direct connection to surface waters, or adjacent wetlands.	431, 432, 437, 452, 453, 520.02, 620.04, 710.04	CWA Sec 404, 33 USC 1344, 33 CFR 330.5 & 330.6
Rivers and Harbors Act - Section 10	Corps	Obstruction, alteration, or improvement of any navigable water (e.g., rechanneling, piers, wharves, dolphins, bulkheads, buoys).	431, 432, 452, 520.03, 710.04	33 CFR 322, 33 CFR 403
General Bridge Act (Rivers and Harbors Act - Section 9)	USCG	Bridges and causeways in navigable waters, including all tidally-influenced streams used by boats over 21 feet in length.	431, 432, 452, 453, 520.04	33 USC Sec. 9, 33 USC 11, 33 CFR 114 & 115, FHWA Sec 123(b)
Archaeological Resources Protection Permit	Tribes Federal landowners, e.g. BLM, Corps, NPS	Excavation or removal of archaeological resources from tribal or federal land.	456, 520.05	43 CFR 7.6 – 7.11
Authorization for Use of Federal Land	USFS BLM	Construction of roads, utility lines, and associated uses such as staging of construction equipment or borrow pits on federal lands.	520.13, 620.02, 810.06	36 CFR 251, 43 USC 1761-1771, 43 CFR Parts 2800 and 2880
Airport/Highway Clearance	FAA (Federal)	Airspace intrusion by a highway facility (i.e. proposed construction in the vicinity of public use or military airports) may require FAA notification.	460, 520.13	FHPM 6-1-1-2, FAA Regs. p.77

Requirement	Responsible Agency	Conditions Requiring	Manual Chapter/Section	Statutory Authority
STATE PERMITS AND APPROVALS				
Clean Water Act - Section 401 Water Quality Certification	Ecology USEPA (federal and tribal lands) Puyallup and Chehalis	Activity requiring a federal permit/license for discharge into navigable waters.	431, 432, 437, 452, 453, 540.02	CWA Sec 401, RCW 90.48.260, WAC 173-225
Coastal Zone Management Certificate	Ecology	Applicants for federal permits/licenses are required to certify that the activity will comply with the state's Coastal Zone Management program (Shoreline Management Act).	431, 432, 437, 452, 540.03, 710.04	CZMA Sec 6217, 16 USC 1451 et seq., 15 CFR 923-930, RCW 90.58
Clean Water Act - Section 402 NPDES Permits	Ecology	Discharge of pollutants into state waters, including wetlands and groundwater. Municipal Stormwater Discharge, Industrial Stormwater, Construction Stormwater, or Sand/Gravel permits may be required, depending on the activity.	See below.	See below.
NPDES Construction Stormwater Permit (General and Individual)	Ecology	All soil disturbing activities where construction activity will disturb one or more acres and will result in discharge of stormwater to a receiving water, and/or storm drains that discharge to a receiving water. Also required if detention facilities will be constructed to retain stormwater on site.	431, 433, 540.04, 620.04, 710.04	33 USC 1342, 40 CFR Parts 122, 123 and 124 Subchapter D, WAC 173-226
NPDES Municipal Stormwater Permit (General)	Ecology	If construction activities and/or long-term operation and maintenance of its facilities result in stormwater discharge to a municipal separate storm sewer system.	431, 433, 540.05	33 USC 1342, 40 CFR Parts 122, 123 and 124 Subchapter D, WAC 173-226
NPDES Sand and Gravel Permit (General and Individual)	Ecology	Activities involving the following SIC codes: 1442 Construction Sand and Gravel 2951 Asphalt Paving Mixtures and Blocks 3273 Ready-Mixed Concrete	431, 433, 540.06	33 USC 1342, 40 CFR Parts 122, 123 and 124 Subchapter D, WAC 173-226
NPDES Industrial Stormwater Permit (General and Individual)	Ecology	If stormwater from WSDOT's facility does not discharge to ground and/or to a combined storm/sanitary sewer.	431, 433, 540.07	33 USC 1342, 40 CFR Parts 122, 123 and 124 Subchapter D, WAC 173-226
Other NPDES Permits (Programmatic) – Routine WSDOT Programs	Ecology	Washing and painting of bridges and ferry terminals, nuisance aquatic plant and algae control, noxious aquatic plant control, aquatic mosquito control.	431, 433, 540.08	33 USC 1342, 40 CFR Parts 122, 123 and 124 Subchapter D, WAC 173-226

Requirement	Responsible Agency	Conditions Requiring	Manual Chapter/Section	Statutory Authority
State Waste Discharge Permit (SWDP)	Ecology	Discharge or disposal of municipal and industrial wastewater into groundwater, or discharge industrial wastewater to an NPDES-permitted wastewater treatment plant.	431, 433 540.12	RCW 90.48, WAC 173-226
Isolated Wetlands Administrative Order	Ecology	Activity that may cause pollution, including discharge of fill or other alteration of the physical, chemical, or biological properties of isolated wetlands.	437, 540.13	RCW 90.48
Underground Injection Control	Ecology	Injection well that may contaminate drinking water.	433 540.14	40 CFR 144, RCW 43-21A.44, WAC 173-218
Hydraulic Project Approval	WDFW	Projects that will use, divert, obstruct, or change the natural flow or bed of any state waters (e.g., culvert work, realignment, bridge replacement).	431, 432, 436, 447, 452, 453, 540.15, 620.05, 710.04	RCW 77.55.100, WAC 220-110
Fish Habitat Enhancement Project Application	WDFW	Streamlined process for projects designed to enhance fish habitat, application accompanies Hydraulic Project Approval.	436, 540.15	See above.
Aquatic Lands Use Authorization	WDNR Harbor Line Commission	Rights-of-way or fills on, over, or across beds of navigable waters. If waters are part of harbor area, easements may also needed from harbor line commission.	436, 437, 540.16 710.04	RCW 79.90, WAC 332-30, RCW 47.12.026
Easement on Public Land	WDNR	Construction of roads, utility lines, and associated uses such as staging of construction equipment or borrow pits on state-owned land.	455, 540.17 620.02, 810.06	RCW 79.36
Forest Practices Application	WDNR	Road construction, pits, pesticide use, and other specified activities on public or private forest land (i.e., land capable of supporting merchantable timber).	455, 540.18	RCW 76.09, WAC 222
Surface Mining Reclamation Permit	WDNR	Permit with approved reclamation plan required for surface mining (pit and quarry sites) if more than 3 acres are disturbed at one time or pit walls are more than 30 feet high and steeper than 1:1.	420, 455, 540.19 620.02	RCW 78.44
Survey Monument Removal	WDNR	Temporary removal or destruction and replacement of a survey monument.	451, 540.20	RCW 58-24, WAC 332-120
On-Site Sewage System	DOH Ecology Local health authorities	Construction/modification of domestic/industrial wastewater facilities (e.g., sewer relocation, rest area construction). Systems with design flow capacity >14500 gpd are regulated by Ecology. Systems with design flow capacity of 3,500-14,500 gpd are regulated by DOH. Systems with design flow capacity of less than 3,500 gpd are regulated by local health authorities.	431, 432, 433 540.12 (Ecology) 540.21 (DOH) 550.10 (Local)	RCW 90.48.110, WAC 246-272, WAC 173-240
Archaeological Excavation and Removal Permit	OAHP	Digging, excavating, altering, defacing, or removing archaeological objects or sites; historic archaeological resources; or native Indian graves, cairns, or painted or glyptic records.	456, 540.22	

Requirement	Responsible Agency	Conditions Requiring	Manual Chapter/Section	Statutory Authority
Air Quality Permit	Ecology, Clean Air Agencies, fire protection agencies	Permit allows temporary air pollution above allowed levels. Includes land clearing burns, demolition of structures containing asbestos, and operation of portable asphalt batching equipment, rock crushers, Portland cement plants. Permit may limit the type, size, or timing of temporary pollution.	425, 540.23	RCW 70.94
RCRA Hazardous Waste Tracking Form	Ecology	A WAD tracking number from Ecology is required for transport, storage, transport, or disposal of dangerous waste.	447, 540.24, 710.04	WAC 173-303
RCRA Dangerous Waste Permit	Ecology	Facilities that store, treat, and/or dispose of dangerous waste.	447, 540.24	RCRA
Underground Storage Tank Notification	Ecology	Installation or removal of an underground storage tank; requires notification to Ecology.	447, 540.24	RCRA
MTCA Hazardous Materials Spills	Ecology	Spill or release of hazardous substance with potential to impact human health or the environment; must be reported to Ecology.	447, 540.24	MTCA
Independent Remedial Action	Ecology	Conducting an independent remedial action; report must be submitted to Ecology.	447, 540.24	MTCA
Hazardous Waste Monitoring Well	Ecology	Long term monitoring of hazardous waste movement or contamination levels; notice of intent must be submitted to Ecology.	447, 540.24	RCW 18.104, WAC 173-160, WAC 173-162, WAC 173-303
Water Right Permit	Ecology	New or changed water right may be needed for withdrawal of more than 5,000 gpd of groundwater, or for any amount of surface water; e.g. for construction of a new facility such as a rest area or maintenance facility, or for diversion of surface water to create a wetland mitigation site.	433, 540.25	RCW 18.104, 43.27A, 90.03, 90.14, 90.16, 90.44 and 90.54 WAC 173-100, 173-136, 173-150, 173-154, 173-166, 173-500 and 173-590, WAC 508-12
Public Water System Approval	DOH or local health department	Construction of a new facility such as a rest area, maintenance facility, or ferry terminal that furnishes water to two or more service connections for human consumption and domestic use, including governmental, commercial, industrial or irrigation.	433, 540.25	RCW 43.20A, WAC 246-290, WAC 246-291, WAC 246-294, 42 USC Chapter 6A, 40 CFR 141 and 143.
Dam Construction Permit	Ecology	Constructing, modifying, or repairing a dam that captures and stores at least 10 acre-feet of water or liquid waste; e.g. a highway project adjacent to a reservoir requiring modification of the embankment.	540.25	RCW 90.03.350, WAC 173-175

Requirement	Responsible Agency	Conditions Requiring	Manual Chapter/Section	Statutory Authority
Reservoir Permit	Ecology	Reservoir permit is required when any dam or dike is used to store water to a depth of 10 feet or more at its deepest point, or retains 10 or more acre-feet of water. Also applies to reservoir adjacent to a stream channel, wetland or wildlife mitigation sites where an impoundment of water is proposed.	540.25	RCW 90.03.370, WAC 173-175, WAC 508-12
Temporary Exceedance of Water Quality Standards	Ecology	Shoreline or in-water work resulting in a temporary increase in turbidity associated with the disturbance of sediments within a defined mixing zone; also applies to concrete pouring.	431, 432, 447, 452, 453, 540.25	WAC 173-201A.110
Soil Boring – Notice of Intent	Ecology	All drilling activities, including geotech soil borings, monitoring/resource protection wells, and developing or decommissioning water wells.	540.25	RCW 18.104, WAC 173-160, WAC 173-162
Beaver Trapping on WSDOT Property	WDFW	Trap beavers that block culverts with their dam-building activity and threaten public safety through the flooding and erosion that follow.	540.25	
LOCAL PERMITS AND APPROVALS				
Shoreline Substantial Development, Conditional Use, and Variance Permits	Ecology Cities and Counties	Development, construction, and uses with a fair market value of \$5,000 and greater; any development materially interfering with public use of “shorelines” which are marine waters, water areas 20 acres and larger, streams over 20 cfsmaf, wetlands, and land within 200 ft of the shoreline.	431, 432, 437, 447, 452, 453, 550.02, 710.04	RCW 90.58, WAC 173-15 through 173-27, City and County ordinances
Floodplain Development Permit	Ecology Counties and Cities	Any structure or activity that may adversely affect the flood regime of streams within the flood zone, or land areas located below the designated 100-year floodplain elevation.	432, 550.03	RCW 86.16, WAC 173-158, City and County ordinances
Critical/Sensitive Areas Ordinances	Counties and Cities	Projects impacting areas defined as “critical” by counties and cities under the GMA, including wetlands, aquifer recharge areas, wellhead protection areas, frequently flooded areas, geographically hazardous areas, fish and wildlife habitat, and conservation areas.	420, 431, 436, 437, 451, 550.04, 710.04	RCW 90.58, RCW 36.70A, City and County ordinances
Clearing, Grading and Building Permits	Counties and Cities	Clearing and grading of land for development with impacts outside WSDOT right of way; includes connecting streets, frontage roads, etc. Construction of any building for human habitation; includes maintenance facilities.	420, 451, 454, 460, 550.05, 710.04	RCW 36.21.080, RCW 36.70, RCW 36.70A, RCW 19.27, WAC 51-50, City and County ordinances

Requirement	Responsible Agency	Conditions Requiring	Manual Chapter/Section	Statutory Authority
Land Use Permit	Counties and Cities	Required land use permit examples are conditional use, unclassified use permit, or variance.	550.06	City and County ordinances
Noise Variance	Counties and Cities	Construction and maintenance activities during nighttime hours may require a variance from local noise ordinances. Daytime noise from construction is usually exempt.	446, 550.07	RCW 70.107, WAC 173-60, WAC 173-62
Detour and Haul Road Agreements	Counties and Cities	Use of city streets or county roads for the purpose of detouring traffic or hauling certain materials associated with a highway improvement project.	550.10	City and County ordinances
On-site Sewage System under 3,500 GPD	Local health authorities	Discharge of on-site sewage, less than 3,500 gpd.	550.10	

Abbreviations:

BLM Bureau of Land Management (Federal)
CFR Code of Federal Regulations
cfsmaf Cubic feet per second mean annual flow
Corps U.S. Army Corps of Engineers
CWA Clean Water Act
CZMA Coastal Zone Management Act (Federal)
DOH Washington Department of Health
DSHS Washington Dept. of Social and Health Services
Ecology Washington State Department of Ecology
EO Executive Order
ESA Endangered Species Act (Federal)
FAA Federal Aviation Administration
FACA Federal Action Community Act
FHWA Federal Highway Administration
FRA Federal Railroad Administration
FWCA Fish and Wildlife Coordination Act (Federal)
gpd Gallons per day
WPCA Water Pollution Control Act (Federal)
GMA Growth Management Act (State)
HPA Hydraulic Project Approval
JARPA Joint Aquatic Resources Permit Application
LWCFA Land and Water Conservation Fund Act (Federal)
MTCA Model Toxics Control Act
NEPA National Environmental Policy Act
NMFS National Marine Fisheries Service (Dept. of Commerce)

NOAA National Oceanic and Atmospheric Administration
NPDES National Pollutant Discharge Elimination System
NPS National Park Service
NRCS Natural Resources Conservation Service (U.S. Dept. of Agriculture)
OAHP Office of Archaeology and Historic Preservation (State)
RCRA Resource Conservation and Recovery Act
RCW Revised Code of Washington
ROW Right-of-Way
SDWA Safe Drinking Water Act (Federal)
SEPA State Environmental Policy Act
SHPO State Historic Preservation Officer
SIC Standard Industrial Code
SMA Shoreline Management Act (State)
SWDP State Waste Discharge Permit
USC United States Code
USCG United States Coast Guard
USEPA United States Environmental Protection Agency
USFS United States Forest Service
USFWS United States Fish & Wildlife Service (Dept. of Interior)
WAC Washington Administration Code
WAD Dangerous Waste Identification Number
WDFW Washington State Department of Fish and Wildlife
WDNR Washington State Department of Natural Resources